



ARTICLE VII – PUBLIC SWIMMING POOLS

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ARTICLE VII

PUBLIC SWIMMING POOLS

Section 7.01 Texas Standards for Public Swimming Pool and Spa Rules Adopted

A. The provisions of the current rules or rules as amended by the Texas Board of Health known as the Texas Standards for Public Swimming Pool and Spa Rules found in 25 Texas Administrative Code, Part 1, Chapter 265, Subchapter K, Sections 181 through 207 are herein adopted together with the additions, deletions, and amendments hereinafter contained, as part of Article VII, Public Swimming Pools, of the "Health and Sanitation" Chapter of the Code of the City of Arlington, Texas, 1987.

B. The intent and purpose of this Section is to provide for the inspecting of public swimming pools in the City of Arlington, Texas, or its police jurisdiction, and to provide for the issuing, suspending or revoking of permits for the operations of public pools. The enforcement of this ordinance and the fixing of penalties shall be regulated in accordance with this chapter and the terms of the unabridged form of the Texas Standards for Public Swimming Pool and Spa, a copy of which is on file in the Office of the City Secretary.

C. In the event of a conflict between any provision of the Texas Standards for Public Pool and Spa Rules and any provision of this ordinance, this ordinance shall prevail.

D. The adopting by reference of the Texas Standards for Public Swimming Pool and Spa Rules, as provided in Section 7.01(A) above, is made subject to and is modified and amended as follows:

1. The words "regulatory authority" in said Rules shall mean the Administrator or his designee with the City of Arlington Health Division; and

2. Section 265.183.(a) shall read: The division may require that a registered professional engineer or registered architect licensed by the State of Texas to practice as such be consulted to assure that the pool and spa are designed and built in compliance with these rules applicable federal, state, and or local regulatory requirements. The engineers or architect's professional seal shall be affixed to the plans and a statement attesting to the fact that the pool or spa was designed, constructed, and able to operate in compliance with these standards. This statement shall also be made available for review at a reasonable time upon request by the administrator.

3. The word "required" shall replace the word "recommend" in Section 265.184 (b)

4. The words "new and existing pools" shall replace the words "new pools" in Sections 265.199 (b) and (c) except Section 265.199.

5. Section 265.203 (b) shall read as follows:

a. After May 1, 2001, the permit holder or person-in-charge of every new and existing Class C pools shall ensure that the pool and/or spa be cared for by a Trained Pool Operator who has successfully completed a training course according to Section 7.05 of this Chapter. The Trained Pool Operator shall be responsible for the daily water treatment operations, record keeping, and maintenance of the pool in compliance with this Chapter.

b. The permit holder or person-in-charge of a Class C pool whose trained pool operator has transferred, resigned, or no longer employed shall have thirty (30) days to comply with the requirements of this Section.

c. A permit holder or person-in-charge is in compliance with the provisions of this section if they employ a swimming pool service company whose employee services the pool has a valid pool training certificate.

Section 7.02 Swimming Pool Permit Required

A. No person or firm shall operate a public pool without a valid Swimming Pool Permit from the City of Arlington, issued by the Administrator or his designee.

B. The Administrator or his designee shall issue a Swimming Pool Permit to any person or firm making application in the City of Arlington; providing that the person or firm complies with the requirements of this ordinance and the annual swimming pool permit fee is paid.

Section 7.03 Swimming Pool Permits Application

A. Application for a Swimming Pool Permit shall be made in writing on the form provided by the Administrator or his designee. A separate application is required for each pool for which a permit is sought. An application shall be made for a permit for each pool that is constructed or extensively remodeled according to Article 7.08(A) of this chapter or at any time there is a change of ownership.

B. Swimming pool application fee is due for each pool that is constructed or extensively remodeled according to Section 7.08(A) of this chapter. A separate fee is required for each pool for which a swimming pool permit is sought.

Section 7.04 Fees

A. The requirements for permits and administrative fees of this Article shall require the payment to be submitted to the Arlington Health Department, in an amount approved by resolution of the Arlington City Council; except that no fees shall be charged for City owned and operated swimming pools.

B. Fees are not transferable or refundable. Every permit issued under the provision of this ordinance shall be non-transferable and non-refundable. A Swimming Pool Permit shall permit the operation of the pool only at the location and for the owner for which granted.

Section 7.05 Pool Operators' Training

A. Pool Operators' training courses shall consist of at least six (6) classroom hours instructed by a Certified Pool Operator with content approved by the Administrator.

B. A certificate of completion within the last two (2) years of issue date must be provided for review upon request by the Administrator.

Section 7.06 Posting of Swimming Pool Permits and Pool Operator's Training Certificate

The Swimming Pool Permit and Pool Operator's Training Certificate shall at all times be available on the premises for inspection and shall at all times be displayed in public view.

Section 7.07 Permits - Duration

A. Swimming Pool Permits shall expire on March 1 of each year unless annual swimming pool permit fee is paid, or unless suspended for cause before expiration date.

B. Swimming Pool Permits that lapse for non-payment of the annual swimming pool permit fee will be reinstated upon payment of reinstatement fee.

Section 7.08 Review of Plans

A. Whenever a public swimming pool is constructed or extensively remodeled, properly prepared plans and specifications for such construction or remodeling according to Section 265.183 (a) of the Ordinance along with the Application Fee shall be submitted to the City of Arlington Health Department for review and approval before construction or remodeling is started.

B. Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the pool prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of this ordinance.

Section 7.09 Inspections

The Administrator or his designee is authorized to conduct such inspections as he deems necessary to ensure compliance with all provisions of this ordinance. He shall have right of entry at any reasonable hour upon the premises where a public or semipublic pool is located. He shall have the authority to collect water samples from the pool.

Section 7.10 Maintenance and Operation

The owner or person-in-charge of every public pool shall be responsible for compliance with all parts of this Article relating to pool maintenance, pool operation and safety of swimmers. It shall be unlawful for the owner or person-in-charge to cause or permit the existence of a condition which is in violation of any part of this Article.

Section 7.11 Regulations in Pool Area

A person commits an offense if he/she:

A. Allows an animal under his/her control to enter or remain within the pool area or pool enclosure of a public or semipublic pool, except that service animals may be allowed in the pool area or enclosure and not in the pool water unless the person can show that the service animal is providing a service; or

B. Has skin abrasions, open sores, skin disease, eye disease, nasal or ear discharge or a communicable disease and swims in a public pool; or

C. Works at a public pool while infected with a communicable disease; or

D. Alters or removes safety equipment from a public or semipublic pool except in an emergency; or

E. Carries glass within a public or semipublic pool area or enclosure.

Section 7.12 Failure to Comply

A. Failure to comply with any section of this ordinance may result in the immediate closure of the pool and/or the initiation of legal action. Upon determination that the pool does not comply with the provisions of this ordinance, the Administrator or his designee shall notify the owner or person-in-charge of the existing violations. If Administrator or his designee determines that the condition of the pool is hazardous to the health or safety of the swimmers or of the general public, the pool shall be immediately closed. Signs shall be posted at all entrances to the swimming pool. Said sign shall be clearly visible to a reasonably observant person and shall state, "Closed By The Arlington Health Department". A reinspection of the pool will be conducted during the regular working hours of the Health Department at the request of the pool Manager of Operations. If compliance has been achieved, the owner or person-in-charge shall be notified that the pool may be opened.

B. Signs posted by the Administrator or his designee stating "Closed By the Arlington Health Department" shall not be altered or removed unless authorized by the Administrator or his designee.

Section 7.13 Violation of Closure Order

When the Administrator or his designee has ordered that a pool be closed due to non-compliance with any provision of this ordinance, the owner of such pool shall not knowingly allow the pool to be used for swimming, diving or bathing purposes and shall immediately take every reasonable step to prevent the use of such pool for such purposes. By way of example and without limiting such duty, the owner shall (1) immediately post notices reasonably likely to come to the attention of potential users of the pool, advising of the closure, and (2) shall immediately lock all gates and doorways in any fence or other enclosure surrounding such pool.

Use of the pool by an individual for swimming, diving or bathing purposes after the Administrator or his designee has ordered such pool to be closed shall be deemed prima facie evidence that the owner of said pool has knowingly allowed the pool to be used for such purposes.

Section 7.14 Enforcement Responsibility

The Administrator or his designee shall have enforcement responsibility for this ordinance.

(Amend Ord 00-037, 4/4/00)